

REMARKS

Claims 1-42 are pending in the present application. Claims 22-42 are withdrawn from consideration, claims 1-21 and have been respectfully subjected to a restriction requirement.

This election is being made with traverse and without prejudice to Applicant's rights with respect to any of the claims, including the right to file divisional applications thereon.

Applicants hereby provisionally elect Species I, drawn to small electrodes that are fixed, which corresponds to claims 1-11 and 14-19 and Figures 1 and 3.

Applicants also respectfully thank the Examiner for indicating that claim 1 is generic. Additionally, Applicants further respectfully note that the limitations of claims 2-10 and 14-19 can apply to each of the identified species I, II, and III, and thus it is respectfully asserted that claims 2-10 and 14-19 are also generic.

Applicants also note that no "serious burden" is present in examining the small number of claims 12-13 and 20-21 in addition to the claims of the provisionally elected species, and cite the following:

803 Restriction - When Proper

Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05 - § 806.05(i)).

*If the search and examination of an entire application can be made **without serious burden**, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.*

The foregoing is fully responsive to the Office Action.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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